



IFKJ

PATENT  
ATTORNEY DOCKET No. 64118.000046

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/771,284 Confirmation No.: Unknown  
Applicant : Richard ASSAKER et al.  
Filed : February 5, 2004  
Title : BONE PLATE ASSEMBLY  
TC/Art Unit : Unknown  
Examiner: : Unknown  
  
Docket No. : 64118.000046  
Customer No. : 21967

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, applicants are submitting herewith copies of the references listed on the attached Form PTO-SB/08A for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application.

Applicants previously filed a Request for Interference in the present application citing U.S. Patent No. 6,224,602. In a pending application (10/134,463) cited in this information disclosure statement, Applicants copied claims from U.S. Patent No. 6,224,602. U.S. Patent No. 6,224,602 is currently a patent in suit in *Interpore Cross International, Inc. et al. v. Medtronic Sofamor Danek, Inc. et al.*, No. 03-1445-GLT (C.D. Cal. filed October 2, 2003).

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

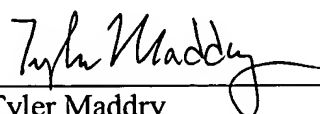
In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is being submitted before a first Office Action. Therefore, it is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed

necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: May 21, 2004

By:   
Tyler Maddy  
Registration No. 40,074

Hunton & Williams LLP  
Intellectual Property Department  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

MAY 21 2004

Sheet

1

of

6

Application Number

10/771,284

Filing Date

02/05/04

First Named Inventor

Richard ASSAKER

Art Unit

Unknown

Confirmation No.

Unknown

Examiner Name

Unknown

Attorney Docket Number

64118.000046

**U.S. PATENT DOCUMENTS**

| *Examiner<br>Initials | Cite<br>No. | DOCUMENT NUMBER<br>Number - Kind Code (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear |
|-----------------------|-------------|--|--------------------------------|--|---|
|                       | 1           | RE28,841   | 06/1976                        | Allgower et al.                                    |   |
|                       | 2           | 2,443,363  | 06-15-1948                     | Townsend et al.                                    |   |
|                       | 3           | 3,386,437  | 06/1968                        | Treace   |   |
|                       | 4           | 3,659,595  | 05-02-1972                     | Haboush  |   |
|                       | 5           | 3,741,205  | 06/1973                        | Markolf et al.                                     |   |
|                       | 6           | 3,779,240  | 12/1973                        | Kondo  |   |
|                       | 7           | 3,842,825  | 10-22-1974                     | Wagner   |   |
|                       | 8           | 4,102,339  | 07-1978                        | Weber et al.                                       |   |
|                       | 9           | 4,119,092  | 10-1978                        | Gil  |   |
|                       | 10          | 4,408,601  | 10-1983                        | Wenk   |   |
|                       | 11          | 4,484,570  | 11-1984                        | Sutter et al.                                      |   |
|                       | 12          | 4,488,543  | 12-1984                        | Tornier  |   |
|                       | 13          | 4,493,317  | 01-1985                        | Klaue  |   |
|                       | 14          | 4,503,848  | 09-1985                        | Caspar et al.                                      |   |
|                       | 15          | 4,513,744  | 04-1985                        | Klaue  |   |
|                       | 16          | 4,570,624  | 02-1986                        | Wu   |   |
|                       | 17          | 4,794,918  | 01-03-1989                     | Wolter   |   |
|                       | 18          | 4,907,577  | 03-1990                        | Wu   |   |
|                       | 19          | 4,911,153  | 03-1990                        | Border   |   |
|                       | 20          | 4,957,497  | 09-1990                        | Hoogland et al.                                    |   |
|                       | 21          | 4,959,065  | 09-1990                        | Arnett et al.                                      |   |
|                       | 22          | 5,041,113  | 08-1991                        | Biedermann et al.                                  |   |
|                       | 23          | 5,041,116  | 08-1991                        | Wilson   |   |
|                       | 24          | 5,057,111  | 10-1991                        | Park   |   |
|                       | 25          | 5,108,395  | 04-1992                        | Laurain  |   |
|                       | 26          | 5,127,912  | 07-1992                        | Ray et al.   |   |
|                       | 27          | 5,127,914  | 07-1992                        | Calderale et al.                                   |   |
|                       | 28          | 5,147,361  | 09-1992                        | Ojima et al.                                       |   |

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/771,284      |
| Filing Date          | 02/05/04        |
| First Named Inventor | Richard ASSAKER |
| Art Unit             | Unknown         |
| Confirmation No.     | Unknown         |
| Examiner Name        | Unknown         |

|       |   |    |   |                        |              |
|-------|---|----|---|------------------------|--------------|
| Sheet | 2 | of | 6 | Attorney Docket Number | 64118.000046 |
|-------|---|----|---|------------------------|--------------|

**U.S. PATENT DOCUMENTS**

|    |           |            |                    |  |
|----|-----------|------------|--------------------|--|
| 29 | 5,180,381 | 01-1993    | Aust et al.        |  |
| 30 | 5,261,910 | 11-1993    | Warden et al.      |  |
| 31 | 5,300,073 | 04-1994    | Ray et al.         |  |
| 32 | 5,324,290 | 06-1994    | Zdeblick et al.    |  |
| 33 | 5,364,399 | 11-1994    | Lowery et al.      |  |
| 34 | 5,380,328 | 01-1995    | Morgan             |  |
| 35 | 5,397,363 | 03-14-1995 | Gelbard            |  |
| 36 | 5,423,826 | 06-13-1995 | Coates et al.      |  |
| 37 | 5,484,439 | 01-16-1996 | Olson et al.       |  |
| 38 | 5,487,743 | 01-30-1996 | Laurain et al.     |  |
| 39 | 5,492,442 | 02-1996    | Lasner             |  |
| 40 | 5,545,166 | 08-1996    | Howland            |  |
| 41 | 5,549,612 | 08-1996    | Yapp et al.        |  |
| 42 | 5,558,674 | 09-1996    | Heggeness et al.   |  |
| 43 | 5,578,034 | 11-1996    | Estes              |  |
| 44 | 5,601,553 | 02-1997    | Trebing et al.     |  |
| 45 | 5,607,426 | 03-1997    | Ralph et al.       |  |
| 46 | 5,616,142 | 01-01-1997 | Yuan et al.        |  |
| 47 | 5,616,144 | 04-1997    | Yapp et al.        |  |
| 48 | 5,620,443 | 04-1997    | Gertzbein et al.   |  |
| 49 | 5,676,666 | 10-1997    | Oxland et al.      |  |
| 50 | 5,681,311 | 10-1997    | Foley et al.       |  |
| 51 | 5,735,850 | 04-07-1998 | Baumgartner et al. |  |
| 52 | 5,766,254 | 06-16-1998 | Gelbard            |  |
| 53 | 5,800,433 | 09-1998    | Benzel et al.      |  |
| 54 | 5,824,088 | 10-20-1998 | Kirsch             |  |
| 55 | 5,827,286 | 10-27-1998 | Incavo et al.      |  |
| 56 | 5,851,207 | 12-1998    | Cesarone           |  |
| 57 | 5,876,402 | 03-02-1999 | Errico et al.      |  |
| 58 | 5,904,683 | 05-18-1999 | Pohndorf et al.    |  |

Substitute for form 1449/APTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/771,284      |
| Filing Date          | 02/05/04        |
| First Named Inventor | Richard ASSAKER |
| Art Unit             | Unknown         |
| Confirmation No.     | Unknown         |
| Examiner Name        | Unknown         |

|       |   |    |   |                        |              |
|-------|---|----|---|------------------------|--------------|
| Sheet | 3 | of | 6 | Attorney Docket Number | 64118.000046 |
|-------|---|----|---|------------------------|--------------|

**U.S. PATENT DOCUMENTS**

|    |              |            |                 |  |
|----|--------------|------------|-----------------|--|
| 59 | 5,951,558    | 09-1999    | Fiz             |  |
| 60 | 5,954,722    | 09-21-1999 | Bono            |  |
| 61 | 5,957,927    | 09-1999    | Magee et al.    |  |
| 62 | 5,964,761    | 10-12-1999 | Kambin          |  |
| 63 | 5,973,223    | 10-26-1999 | Tellman et al.  |  |
| 64 | 5,984,925    | 11-16-1999 | Apgar           |  |
| 65 | 6,017,345    | 01-2000    | Richelsoph      |  |
| 66 | 6,129,730    | 10-2000    | Bono et al.     |  |
| 67 | 6,136,002    | 10-24-2000 | Shih et al.     |  |
| 68 | 6,139,550    | 10-2000    | Michelson       |  |
| 69 | 6,152,927    | 11-28-2000 | Farris et al.   |  |
| 70 | 6,193,721    | 02-2001    | Michelson       |  |
| 71 | 6,224,602    | 05-2001    | Hayes           |  |
| 72 | 6,235,034    | 05-2001    | Bray            |  |
| 73 | 6,258,089    | 07-10-2001 | Campbell et al. |  |
| 74 | 6,533,786 B1 | 03-18-2003 | Needham et al.  |  |
| 75 | 6,602,256    | 08-05-2003 | Hayes           |  |
| 76 | 6,652,525    | 11-25-2003 | Assaker et al.  |  |
| 77 | 10/134,463   |            | Needham et al.  |  |
| 78 | 10/693,604   |            | Assaker et al.  |  |

**FOREIGN PATENT DOCUMENTS**

| *Examiner<br>Initial | Cite<br>No. | FOREIGN PATENT DOCUMENT |                                  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | TRANSLATION |    |
|----------------------|-------------|-------------------------|----------------------------------|--------------------------------|--|---|-------------|----|
|                      |             | Country<br>Code:        | Number - Kind Code<br>(if known) |                                |  |   | YES         | NO |
|                      |             |                         |                                  |                                |  |   |             |    |
|                      | 79          | CH                      | 373516                           | 01-15-1964                     | Muller   |   |             |    |
|                      | 80          | CH                      | 462375                           | 10-31-1968                     | Allgower et al.                                    |   |             |    |
|                      | 81          | CH                      | 468824                           | 04-15-1969                     | Muller   |   |             |    |
|                      | 82          | CH                      | 566767                           | 09-30-1975                     | Spiessl et al.                                     |   |             |    |
|                      | 83          | CH                      | 600862                           | 06-30-1978                     | Weber  |   |             |    |

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/771,284      |
| Filing Date          | 02/05/04        |
| First Named Inventor | Richard ASSAKER |
| Art Unit             | Unknown         |
| Confirmation No.     | Unknown         |
| Examiner Name        | Unknown         |

|       |   |    |   |                        |              |
|-------|---|----|---|------------------------|--------------|
| Sheet | 4 | of | 6 | Attorney Docket Number | 64118.000046 |
|-------|---|----|---|------------------------|--------------|

**FOREIGN PATENT DOCUMENTS**

| *Examiner Initial | Cite No. | FOREIGN PATENT DOCUMENT | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | TRANSLATION |
|-------------------|----------|-------------------------|-----------------------------|---|---|-------------|
|                   | 84       | CH 611147               | 05-31-1979                  | Erfinder  |   |             |
|                   | 85       | CH 613616               | 10-15-1979                  | Jose-Luis Gil                                   |   |             |
|                   | 86       | CH 613858               | 10-31-1979                  | Steinemann                                      |   |             |
|                   | 87       | DE 4409833 A1           | 10-05-1995                  | Biedermann et al.                               |   |             |
|                   | 88       | DT 2340880              | 08-1973                     | Niederdelmann, et al.                           |   |             |
|                   | 89       | EP 0016338 A1           | 10-01-1980                  | Brinckmann                                      |   |             |
|                   | 90       | EP 0382256 A1           | 08-16-1990                  | Calderale                                       |   |             |
|                   | 91       | EP 0455255 A1           | 11-06-1991                  | Ramotowski et al.                               |   |             |
|                   | 92       | EP 0599640 A1           | 06-01-1994                  | Yapp et al.                                     |   |             |
|                   | 93       | EP 0705572 A2           | 04-10-1996                  | Trebing et al.                                  |   |             |
|                   | 94       | EP 0897697 A1           | 02-24-1999                  | Richelsoph                                      |   |             |
|                   | 95       | FR 1505513              | 02-21-1968                  | Benoist   |   |             |
|                   | 96       | FR 2233973              | 06-25-1973                  | Chatin  |   |             |
|                   | 97       | FR 2480106              | 04-13-1981                  | Wenk  |   |             |
|                   | 98       | FR 2740321              | 10-27-1995                  | Fuentes   |   |             |
|                   | 99       | FR 2778088              | 04-30-1998                  | Assaker et al.                                  |   |             |
|                   | 100      | GB 780,652              | 08-07-1957                  | Evans   |   |             |
|                   | 101      | UK 1153090              | 05-21-1969                  |   |   |             |
|                   | 102      | UK 1601383              | 10-28-1981                  |   |   |             |
|                   | 103      | WO 98/34553             | 08-13-1998                  | Michelson                                       |   |             |
|                   | 104      | WO 98/34556             | 08-13-1998                  | Michelson                                       |   |             |
|                   | 105      | WO 99/04718             | 02-04-1999                  | Bacelli   |   |             |

|   |             |  |   |                        |  |                 |             |
|---|-------------|--|---|------------------------|--|-----------------|-------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |             |  |   | Application Number     |  | 10/771,284      |             |
|   |             |  |   | Filing Date            |  | 02/05/04        |             |
|   |             |  |   | First Named Inventor   |  | Richard ASSAKER |             |
|   |             |  |   | Art Unit               |  | Unknown         |             |
|   |             |  |   | Confirmation No.       |  | Unknown         |             |
|   |             |  |   | Examiner Name          |  | Unknown         |             |
| Sheet   | 5           | of   | 6 | Attorney Docket Number |  | 64118.000046    |             |
| <b>OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS</b>  |             |  |   |                        |  |                 |             |
| *Examiner<br>Initials   | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |   |                        |  |                 | TRANSLATION |
|   | 106         | Cross Medical Products, Inc.'s Reply and Counterclaims to Medtronic's Counterclaims (11/13/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).                       |   |                        |  |                 |             |
|   | 107         | Medtronic's Reply and Counterclaim (12/3/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).   |   |                        |  |                 |             |
|   | 108         | Blackstone Anterior Cervical Plate Brochure; Blackstone Medical Inc.   |   |                        |  |                 |             |
|   | 109         | Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.   |   |                        |  |                 |             |
|   | 110         | Casper, "Anterior Cervical Fusion Instrumentation and Trapezial Osteosynthetic Plates," Aesculap; Publication date unknown.  |   |                        |  |                 |             |
|   | 111         | Codman, "Codman Anterior Cervical Plate System," Publication date unknown.   |   |                        |  |                 |             |
|   | 112         | Spine Tech, "Cervi-Lok Cervical Fixation System Surgical Technique Manual," Publication date unknown.  |   |                        |  |                 |             |
|   | 113         | Satomi, Keichi, DDS et al., "Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants," <i>The Journal of Prosthetic Dentistry</i> , March 1988 59(3):339-342.                                |   |                        |  |                 |             |
|   | 114         | Phillips, John H. et al., "Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws," <i>Plastic and Reconstructive Surgery</i> , March 1989 83(3):447-456.  |   |                        |  |                 |             |
|   | 115         | An, Howard S et al., "Spinal Instrumentation," Williams & Williams, 1992, pp. 1-11, 49-60, 167-196, 257-280, 379-411.  |   |                        |  |                 |             |
|   | 116         | Scient'x, "Cervical Plate-Cage Systems," Publication date unknown.   |   |                        |  |                 |             |
|   | 117         | Synthes, "Cervical Spine Locking Plate System," 1995.  |   |                        |  |                 |             |



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/771,284      |
| Filing Date          | 02/05/04        |
| First Named Inventor | Richard ASSAKER |
| Art Unit             | Unknown         |
| Confirmation No.     | Unknown         |
| Examiner Name        | Unknown         |

|       |   |    |   |                        |              |
|-------|---|----|---|------------------------|--------------|
| Sheet | 6 | of | 6 | Attorney Docket Number | 64118.000046 |
|-------|---|----|---|------------------------|--------------|

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

|  |     |  |  |  |
|--|-----|--|--|--|
|  | 118 | Smith & Nephew Orthopaedics, "The Aline Anterior Cervical Plate," Publication date unknown.  |  |  |
|  | 119 | AcroMed, "AcroPlate Anterior Cervical System," 1994.   |  |  |
|  | 120 | Author unknown, "Dynamic Compression Plates," pp. 70-79, Publication date unknown.   |  |  |
|  | 121 | Bagby, George W. et al., "An Impacting Bone Plate," from Staff Meetings of the Mayo Clinic, February 6, 1957, 32(3):55-57.   |  |  |
|  | 122 | Bagby, George W. et al., "The Effect of Compression on the Rate of Fracture Healing Using a Special Plate," American Journal of Surgery, May 1958, 95:761-771.   |  |  |
|  | 123 | Bertolin, "The Use of My Compression Plate for Osteosyntheses of the Various Types of Femoral Intertrochanteric Osteotomies," Translation from Italian of a paper presented at the Congress of the Society of Orthopaedics and Traumatology of the Medical Union of the Latin Mediterranean, June 6-7, 1965. |  |  |
|  |     |  |  |  |
|  |     |  |  |  |

EXAMINER SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.